

REMARKS

In accordance with the foregoing, the abstract and claim 1 have been amended and claims 2, 4, 6 and 9 have been cancelled. Accordingly, claims 1, 3, 5, 7, 8, 10 and 11 are pending and under consideration.

ALLOWABLE SUBJECT MATTER:

Claims 5-10 are objected to but are indicated as allowable if rewritten in independent form. Applicants will hold the rewriting of these claims in abeyance until the arguments presented herein have been considered.

INFORMATION DISCLOSURE STATEMENT:

The Office Action indicates that US Publication 200280066331 has not been considered as to the merits due to an improper reference number. In response, Applicants have included a new Supplemental IDS citing the reference with its proper reference number 20020066331.

No additional fee has been included per MPEP 609(f), which provides that additional time will be given to enable full compliance when a bona fide attempt at compliance was made. Applicants assert the improper reference number was inadvertently provided due to a typographical error and request waiver of any fee set forth in § 1.17(p).

OBJECTION TO THE ABSTRACT:

The Office Action objected to the abstract due to informalities. In response, Applicants have amended the abstract in accordance with the Examiner's helpful comments and respectfully request the objection be withdrawn.

REJECTIONS UNDER 35 USC 102:

Claims 1-4 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Margrain, French Publication No. 2 599 568 – (Hereinafter Margrain). The rejection is respectfully traversed.

Margrain fails to suggest or disclose at least the following features recited in amended independent claim 1:

“a double pipe structure having an inner pipe member and an outer pipe member having different diameters and a center axis, said inner and outer pipe members arranged in a generally coaxial relationship to each other and coupled to each other by a coupling member...”

Margrain illustrates, in FIG. 5, an outer case 70 and an inner barrier 77, attached to each other by at least four distinct coupling members including, for example, coupling member 76. FIG. 6 of Margrain illustrates an outer case 80 and an inner barrier 81, attached to each other by a large quantity of coupling members (e.g., longitudinal cells 82, 83 etc.). FIG. 7 of Margrain illustrates an outer case 73 and an inner barrier 77, attached to each by at least four separate coupling members including, for example, coupling member 76.

However, none of the embodiments of Margrain illustrate “said inner and outer pipe members arranged in a generally coaxial relationship to each other and coupled to each other by a coupling member,” as recited above.

In addition, Margrain fails to suggest or disclose at least the following features recited in amended independent claim 1:

said plurality of line elements divided into first and second groups, said first group of line elements being laid to extend through an inner hole of said inner pipe member and said second group of line elements being laid to extend through an annular gap formed between said inner pipe member and said outer pipe member, wherein said second group of line elements is unwound on said inner pipe member when said first member is in a predetermined rotational position relative to said second member; and wherein, as viewed from said second member, said second group of line elements is wound right-handed on the outer peripheral surface of said inner pipe member when said first member is rotated right-handed from the predetermined rotational position, and is wound left-handed on the outer peripheral surface of said inner pipe member when said first member is rotated left-handed from the predetermined rotational position.

The Office Action fails to specifically set forth if and where the above-claimed features are disclosed in Margrain. If the above rejection is to be maintained, Applicants respectfully request the Examiner provide a specific paragraph number and figure reference, or specifically indicate if an assertion of inherency is being relied upon.

Claims 1-4 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Koichi, JP 5-116090 – (Hereinafter Koichi). The rejection is respectfully traversed.

Koichi does not suggest or disclose at least the following features recited in amended independent claim 1:

“a double pipe structure having an inner pipe member and an outer pipe member having different diameters and a center axis, said inner and outer pipe members arranged in a generally coaxial relationship to each other and coupled to each other by a coupling member...”

Koichi illustrates, in FIG. 1, electrical wiring 8 formed in the periphery of a body 9. FIG. 5 further illustrates a cable 11 and an air tube 12, joined using heat-shrinkable tubing 13. However, the Office Action fails to specifically set forth if and where the above-claimed feature is disclosed in Koichi. If the above rejection is to be maintained, Applicants respectfully request the Examiner provide a specific paragraph number and figure reference, or specifically indicate if an assertion of inherency is being relied upon.

In addition, Koichi fails to suggest or disclose at least the following features recited in amended independent claim 1:

said plurality of line elements divided into first and second groups, said first group of line elements being laid to extend through an inner hole of said inner pipe member and said second group of line elements being laid to extend through an annular gap formed between said inner pipe member and said outer pipe member, wherein said second group of line elements is unwound on said inner pipe member when said first member is in a predetermined rotational position relative to said second member; and wherein, as viewed from said second member, said second group of line elements is wound right-handed on the outer peripheral surface of said inner pipe member when said first member is rotated right-handed from the predetermined rotational position, and is wound left-handed on the outer peripheral surface of said inner pipe member when said first member is rotated left-handed from the predetermined rotational position.

The Office Action fails to specifically set forth if and where the above-claimed features are disclosed in Koichi. If the above rejection is to be maintained, Applicants respectfully request the Examiner provide a specific paragraph number and figure reference, or specifically indicate if an assertion of inherency is being relied upon.

Accordingly, Applicants respectfully submit that amended independent claim 1 patentably distinguishes over the cited reference, and should be allowable for at least the above-mentioned reasons. Further, claims 3 and 11, which depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

TRANSLATION OF FOREIGN ABSTRACT REQUESTED:

The Court of Appeals for the Federal Circuit has held the following with regard to rejections based on abstracts of foreign patents:

"Generally an abstract does not provide enough information to permit an objective evaluation of the validity of what it describes. Thus, an abstract is even less reliable a basis to extrapolate the alleged teachings of the underlying document to different circumstances... Citation of an abstract without citation and reliance on the underlying scientific document itself is generally inappropriate where both the abstract and the underlying document are prior art. It is our opinion that a proper examination under 37 CFR §1.104 should be based on the underlying documents and translations, where needed. Accordingly, the preferred practice is for the examiner to cite and rely on the underlying document." Ex parte Gavin, 62 USPQ2d 1680, 1681.

Similarly, MPEP 706.02 states:

In limited circumstances, it may be appropriate for the examiner to make a rejection in a non-final Office action based in whole or in part on the abstract only without relying on the full text document. In such circumstances, the full text document and a translation (if not in English) may be supplied in the next Office action.

Based on the foregoing, Applicants respectfully request a translation of the cited references in any future office action relying on the same, in order to further demonstrate that both Margrain and Koichi fail to anticipate the claims of the present application.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.


Respectfully submitted,

STAAS & HALSEY LLP

Date:

May 2, 2007

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